

REMARKS

Applicant thanks the Examiner for the detailed comments in the Office Action mailed May 7, 2009.

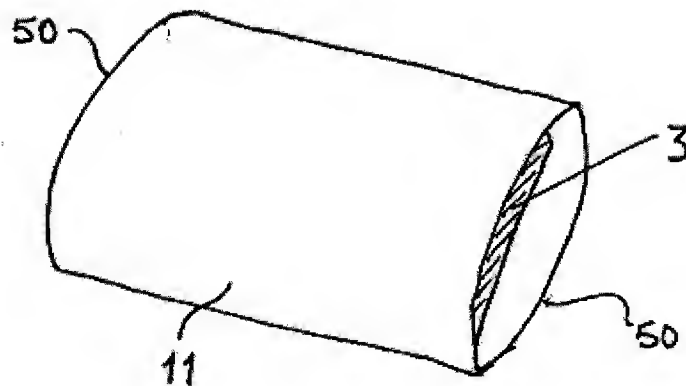
Claim 1 has been amended. Support for the amendment to claim 1 can be found in the specification at paragraph [0027].

35 USC §102

Section 102 embodies the concept of “novelty,” that is, “if a device or process has been previously invented (and disclosed to the public), then it is not new, and therefore the claimed invention is ‘anticipated’ by the prior invention.” Because the hallmark of anticipation is prior invention, the prior art reference must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements “arranged as in the claim.”

Movsesian et al. omits “the film having a hose-like end section formed at an end of the film outside of a film envelope,” as recited in claim 1. Instead, Movsesian et al. discloses an insulating blanket 30 having a plurality of batting blocks 32, a cover 34, and a plurality of modules 33 within in which batting blocks 32 are contained. Cover 34 has sealed perimeter edges 35 and not a hose-like end section. The cover 34 is formed of two separate layers, a distal layer 36 and a proximal layer 38 which are in mated, sealed relationship along the sealed perimeter edges 35 and along heat-sealed seams 39...” (See col. 8, lines 27-35 and Fig. 4.) In contrast, the film of claim 1 has no sealed edges except at the hose-like end sections that form the attachment sections of the film. Applicant traverses the rejection under Section 102 in that the sealed perimeter edges 35 and heat sealed seams 39, as disclosed is Movsesian et al.’s Fig. 4, never form a “hose-like end section” as stated in the Office Action in paragraph 1.

Applicant refers to the illustration below which is being provided to the Examiner for better understanding the invention as it is claimed. Applicant would like the Examiner to note that this illustration is not being added to the drawings in the application. The reference numerals refer to the elements as they are disclosed in the specification:



The above illustration is a perspective view of Fig. 3 prior to forming a Z-fold shape, showing a hose-like end section as that term would be understood by a person having ordinary skill in the art. Each hose-like end section is finally shaped into an attachment section 50 of film 11, as recited in claim 1 and as supported in the specification at paragraph [0030] and detail B of Fig. 6a. Since the hose-like end section is used to form the attachment section, Movsesian, et al. omits “the attachment section of the film being folded in a Z-shape such that the attachment section has film fold regions laid one on top of another in a final position, providing an obstruction to fire and completely enveloping the insulation package,” as recited in claim 1. Thus, claim 1 is not anticipated by Movsesian, which omits both the hose-like end section and the arrangement of the hose-like end section.

Non-obviousness

Movsesian et al. taken alone or in combination with Fay et al. or any of the other cited references, do not teach or suggest all of the limitations of claim 1 as amended. In order to establish *prima facie* obviousness, a single reference or a combination of references must teach or suggest all of the limitations of a claim to a person having ordinary skill in the art. Movsesian et al. fails to teach or suggest all of the limitations of claim 1, taken either alone or in combination with any of the cited references; therefore, the cited references fail to establish *prima facie* obviousness.

Movsesian et al. does not disclose, teach or suggest “hose-like end section” as recited in claim 1. Instead, Movsesian et al. teaches use of two separate layers (distal layer 36 and proximal layer 38) as a cover 34 and the two separate layers have longitudinal and latitudinal edges sealed by rollers or platens without forming hose like-end sections “formed at an end of the film outside of a film envelope and on the edge of the insulation package such that the film has a portion shaped into a flat attachment section, the attachment section of the film being folded in a Z-shape such that the attachment section has film fold regions laid one on top of another in a final position,” as recited in claim 1. Thus, Movsesian fails to establish *prima facie* obviousness or anticipation on its own.

Specifically, the Office Action combines Movsesian et al. in view of Fay et al. but Fay et al. fails to teach or suggest the hose-like end section of claim 1 omitted by Movsesian et al. Therefore, the combination fails to establish *prima facie* obviousness.

Instead, Fay et al. merely discloses facings for a faced building insulation assembly, such as residential building structures. The facings are designed to improve the water vapor permeance rating, but nothing in Fay et al. teaches or suggests hose-like end sections or any reason to replace tabs 158, 466 with hose-like end sections. Instead, the tabs of Fay et al. are formed from flat sheets.

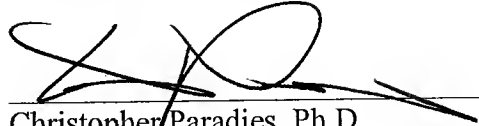
Both references omit any teaching or suggestion of a film having hose-like end sections; therefore, none of the cited references taken alone or in combination establish *prima facie* obviousness over claim 1.

For the foregoing reasons, claim 1 is nonobvious before of after the amendment which is included for form only. All of the pending claims incorporate the hose-like end section and other limitations of claim 1 and additional limitations; therefore, all of the pending claims are now in condition for allowance.

No new matter has been added by any of the amendments. The Applicant respectfully requests entry of the amendment to claim 1 and allowance of all pending claims.

Dated: July 7, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Christopher Paradies', written over a horizontal line.

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